

RECEIVED
CENTRAL FAX CENTER

NOV 09 2006

CV01148KB

10/777,849

wherein the optional substituents are defined above for the one or more substituents.

47-51. (Cancelled)

REMARKS

This invention relates to polycyclic nucleotide xanthine phosphodiesterase V inhibitors, processes for their preparation and uses to treat various disease states.

Entry of this Amendment is requested as it is believed that it places the application in condition for allowance. Moreover, this is the first time in this RCE that Applicants have had filed a response in this application, as the Office Action is a first action, final rejection. Applicants question the propriety of a first action, final rejection in this circumstance since the Advisory Action that prompted the RCE indicated that the Amendment dated would not be entered because it raised new issues. Further, Applicants have been delayed from filing a response because it took eleven months for the USPTO to grant a Certificate of Correction in the parent case; an action that is necessary to remove the rejection based upon obvious-type double patenting. Accordingly, Applicants urge that equity favors the entry of this Amendment.

This Amendment cancels claims 47 to 51, and those claims dependent therefrom, without prejudice. Applicants are canceling these claims in order to place the application in condition for allowance and reserve the right to pursue these claims in a continuing application. Applicants do not concur with the rejections raised by the Examiner.

RECEIVED
CENTRAL FAX CENTERNOV 09 2006
CV01148KB

10/777,849

Authorization

The Commissioner is authorized to charge a one month extension of time, and any other fee associated with this Amendment to render the Amendment timely filed to Deposit Account No. 19-0365.

Claims 47-51 stand rejected under 35 USC 112, second paragraph, for allegedly being indefinite and claim 51 further stands rejected under 35 USC 112, first paragraph. In view of the cancellation of these claims, this rejection is moot and should be withdrawn.

Claims 2 to 12, 22, 23, 28 to 30, 41 to 42 and 45 to 51 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10 and 11 of US 6,821,978. In view of the fact that the USPTO granted a Certificate of Correction in order to remove the definition "tetrahydropyranyl" from claims 10 and 11 of said US patent (see appendix A), it is urged that this rejection is moot as there is no longer overlap. Accordingly, withdrawal of this rejection is requested.

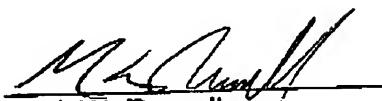
It is believed that this application is now in condition for allowance and an early notice to that effect is earnestly solicited. If, however, there remains an issue outstanding, the Examiner is invited to contact the undersigned for its prompt resolution.

10/777,849

CV01148KB

Favorable action is earnestly solicited.

Respectfully submitted,



Mark W. Russell
Registration No. 37,514
Attorney for Applicants
Tel: 908-298-5024
Fax: 908-298-5388

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,821,978 B2
APPLICATION NO. : 09/940760
DATED : November 23, 2004
INVENTOR(S) : Samuel Chackalamannil

Page 1 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face of the patent, at item (74) Attorney, Agent or Firm, please replace "Gerald E. Reinhardt" with -- Gerard E. Reinhardt --.

In Column 97, Claim 1, line 18, please replace "-(R23)(R24)N(H)-" with -- -(C(R23)(R24)N(H)- --.

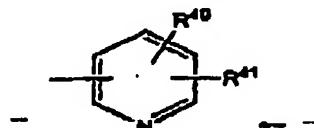
In Column 97, Claim 1, line 62, please delete "with or without".

In Column 98, Claim 1, line 8, please replace "-SO2R50" with -- SOO-2R50 --.

In Column 98, Claim 1, line 25, please replace,



with



In Column 100, Claim 10, line 3, please delete "or pharmaceutical composition".

In Column 100, Claim 10, lines 4-5, please replace "R4 is a cyclohexyl, hydroxy-cyclopentyl or tetrahydropyranyl group" with -- R4 is a cyclohexyl or hydroxy-cyclopentyl group --.

In Column 100, Claim 11, line 7, please delete "or pharmaceutical composition".

In Column 100, Claim 11, lines 12-13, please replace "R4 is a cyclohexyl, tetrahydropyranyl group or 2(R)-hydroxy-1(R)-cyclopentyl group" with -- R4 is a cyclohexyl or 2(R)-hydroxy-1(R)-cyclopentyl group --.

In Column 103, Claim 22, line 57, please replace "R1-4" with -- R14 --.

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,821,978 B2
APPLICATION NO. : 09/940760
DATED : November 23, 2004
INVENTOR(S) : Samuel Chackalarammil

Page 2 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Column 104, Claim 26, lines 46-49, please delete "with or without".

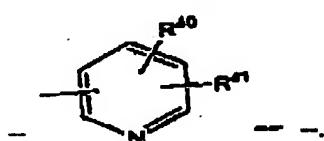
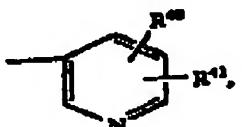
In Column 104, Claim 26, line 50, please replace "C3-5" with -- C3-15 --.

In Column 104, Claim 26, line 60, please delete "with or without".

In Column 106, Claim 26, line 3, please replace "a -CH₂q group" with -- a -(CH₂)_q group--.

In Column 106, Claim 26, line 61, please delete "with or without".

In Column 107, Claim 26, line 40, please replace
" " with



Signed and Sealed this

Seventeenth Day of October, 2006

JON W. DUDAS
Director of the United States Patent and Trademark Office

